

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 4, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-13886 - APPLICANT/OWNER: JOSE SANDOVAL

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission's motion for approval failed with a 3-3 tie vote, therefore, no recommendation will be forwarded to City Council.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-13889), General Plan Amendment (GPA-13885) and Variance (VAR-13888) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 03/13/07, except as amended by conditions herein.
4. Waivers from 19.12.040 are hereby approved, to allow a seven-foot perimeter landscape buffer where 10 feet is the minimum required along Harris Avenue and to allow a four-foot perimeter landscape buffer width along Mc Knight Street where 10 feet is the minimum required.
5. A revised landscape plan shall be submitted prior to the time application is made for a building permit reflecting the correct number (28) and type of trees and as required in Title 19.12.040 and Title 19.10.010.
6. A revised site plan shall be submitted prior to the time application is made for a building permit reflecting a handicapped space that meet City of Las Vegas requirements for a van accessible parking space.
7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
8. Air conditioning units shall not be mounted on rooftops.

9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
10. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
12. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. Coordinate with the City Surveyor to determine whether a Merger and Re-Subdivision Map or other map is necessary; comply with the recommendations of the City Surveyor.
15. Provide a Site Visibility Restriction Zone at the southwest corner of Harris Avenue and McKnight Street.
16. All landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
17. Site development to comply with all applicable conditions of approval for ZON-13889 and all other subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

This application is a request for a Site Development Plan Review for a six unit apartment complex and a waiver of landscape buffer requirements on 0.38 acre at 2750 Harris Avenue.

EXECUTIVE SUMMARY

The site plan for this project shows a three-story multi-family residential building. The site is adjacent to R-E (Residential Estates) single family homes on the east, west, and south sides. There is an accompanying Rezoning request (ZON-13889) to R-3. This site configuration does not meet Residential Adjacency standards, and it is not compatible with the adjacent properties which are significantly lower in density than the proposed site. The site is also designed with landscape buffers that do not meet the adjacent right-of-way standards. Therefore, staff recommends denial of this request.

BACKGROUND INFORMATION

A) Related Actions

- 08/16/06 The City Council denied this request along with companion requests for a General Plan Amendment (GPA-13885), a Rezoning (ZON-13889), and a Variance (VAR-13888). The Planning Commission's motion for approval failed with a 3-3 tie vote. Staff recommended denial.
- 02/15/07 The Planning Department received notice from the City Council office that this request along with companion requests for a General Plan Amendment (GPA-13885), a Rezoning (ZON-13889), and a Variance (VAR-13888) were to be rescinded and reheard. The items were placed on the 04/04/07 City Council agenda.
- 03/13/07 The Planning Department received revised plans for the subject property. The plans show a new design that includes a reduction in the number of units and an increase in the building height.

B) Pre-Application Meeting

- 05/17/06 A pre-application meeting was held to discuss the applicable General Plan Amendment, Rezoning, Site Development Plan Review and Variance on the subject property.

C) Neighborhood Meetings

06/20/06 A neighborhood meeting sponsored by the applicant was held at the East Las Vegas Senior Center at 250 North Eastern Avenue. No citizens were in attendance.

D) Code Enforcement Information

Code Enforcement indicates that there is an open violation of an illegally un-permitted structure on the subject property. The violation has been ongoing since 03/07/06. Code Enforcement also indicates that they are in the process of citing the owner for the subject violation.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.38 Acres

B) Existing Land Use

Subject Property:	Single Family Residence
North:	Elementary School
South:	Single Family Residence
East:	Single Family Residence
West:	Single Family Residence

C) Planned Land Use

Subject Property:	L (Low Density Residential) – proposed M (Medium Density Residential)
North:	PF (Public Facilities)
South:	L (Low Density Residential)
East:	M (Medium Density Residential)
West:	L (Low Density Residential)

D) Existing Zoning

Subject Property:	R-E (Residence Estates) proposed R-3 (Limited Multiple Residence)
North:	C-V (Civic)
South:	R-E (Residence Estates)
East:	R-E (Residence Estates)
West:	R-E (Residence Estates)

E) General Plan Compliance

The subject site is located within the Southeast Sector of the General Plan with an L (Low Density Residential) land use designation, which allows for residential development of up to 5.49 dwelling units per acre. A concurrent application proposed to amend the General Plan to M (Medium Density Residential) which allows for density up to 25.49 dwelling

units per acre. The proposed rezoning to the R-3 (Medium Density Residential) zoning district is consistent with the proposed Medium Density Residential General Plan designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

PROJECT DESCRIPTION

The proposed development consists of six, two-bedroom units. The building is arranged on near the center of the property with the parking area along the eastern side of the site. The three-story residential buildings have a height of 32 feet, 5 inches.

Primary access to the site is from McKnight Street. A total of 12 parking spaces are provided where 12 are required.

Landscape buffers are provided on the perimeter of the site. However, the landscape buffer on the north property line along Harris Avenue is shown as seven feet where 10 feet is the minimum required. Along Mc Knight Street a landscape buffer of four feet is shown where 10 feet is required. There is a deficiency in the number of trees provided along the perimeter of the development, a condition of approval shall be added to require compliance with standards.

The submitted floor plan shows a two bedroom, three-story unit, 1,530 square feet in size.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Requested	Compliance
Min. Lot Size	6,500 Square Feet	16,550 Square Feet	Y
Min. Setbacks			
• Front	20 Feet	10 Feet	N
• Side	5 Feet	20 Feet	Y
• Corner	5 Feet	50 Feet	Y
• Rear	20 Feet	15 Feet	N
Max. Building Height	2 Stories / 35 Feet	3 Stories/ 33 Feet	N
Trash Enclosure	50 Feet	50 Feet	Y

An accompanying Variance (VAR-13888) is requested to allow a ten-foot front yard setback and a 15-foot rear yard setback where 20 feet is the minimum required setback. Staff recommends denial.

A2) Residential Adjacency Standards

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

- a) Proximity slope. The proposed multi-family development does not meet the 3:1 residential adjacency slope to an R-E (Residential Estates) zoned property as required by Title 19.08.060 with a maximum building height of 32.5 feet. The multi-family development is required to be located a minimum of 96.75 feet from the adjacent single family property line and the site plan shows 15 feet. The subject deviation is 84%.
- b) Building setback. The adjoining western property is zoned R-E and has a minimum side yard setback of 10 feet. Residential Adjacency Standards state that the side yard setback of the proposed multi-family development must match the side setback of the single family home. The applicant provides 20 feet where 10 feet is required; therefore there is no deviation.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	Units	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Multi-family – Two bedrooms	Six	1.75 spaces per unit	11	1	11	1
Guest spaces	Six	1 guest space for every six units	1	0	1	0
Total			12	1	12	1*

The proposed six-unit, multi-family proposal meets the parking requirements set forth in Title 19.10.

*It is noted that the provided handicapped accessible space does not meet the City of Las Vegas' minimum requirements. A condition of approval shall be added requiring compliance with standards.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree / 6 Spaces	1 Tree	4 Trees
Buffer:			
• Min. Trees	1 Tree/20 Linear Feet	27 Trees	20 Trees
• Min. Zone Width	10 Feet – along Harris Avenue and Mc Knight Street 15 Feet – buffer between multi-family and single family residences		4 Feet* 15 Feet

*The four-foot landscape buffer is along Mc Knight Street. A seven-foot landscape buffer is provided along a portion of Harris Avenue. Waivers are requested to permit this deviation from standards.

The submitted site plan does not reflect the required number of trees in the buffer area. A condition of approval will be added to the Site Development Plan Review to require the correct number and type trees required per Title 19.12.040.

B) General Analysis and Discussion

- Zoning

The site is currently zoned R-E (Residence Estates) on 0.38 acre, [L (Low Density Residential) Master Plan Designation]. The applicant requests an amendment to the

General Plan to change the existing L (Low Density Residential) land use designation on the site to M (Medium Density Residential), which would allow up to 25.49 units per acre. The applicant is also requesting a Rezoning (ZON-13889) to R-3 (Limited Multiple Residence) to allow a net density of 21.05 units per acre for this project.

- Site Plan

The site is bound by single family homes on the east, west and south sides, and an elementary school across the street to the north. The cluster of single family residential property where the site sits is surrounded by multi-family uses. The proposal of a three-story building adjacent to single family residences at a distance of 15 feet from the single family home property line is inappropriate, denial of this Site Development Plan Review is recommended.

- Elevation

The proposed three-story buildings are 32 feet, 5 inches in height. Because this property is being proposed for multi-family residences and is adjacent to an R-E (Residence Estates) lot, Residential Adjacency requirements apply. As part of the accompanying Variance request (VAR-13888), the applicant requests a Residential Adjacency standard of 15 feet where 96.75 feet is required.

- Waivers

The waivers that are requested for the proposed project include a four-foot landscape buffer along Mc Knight Street (60% deviation) and a seven-foot landscape buffer is provided along a portion of Harris Avenue (30% deviation).

- Floor Plan

The submitted floor plan shows a two-bedroom, 1,530 square foot, two-story design. This includes the garage.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

The land use is appropriate for the area; however, the development as proposed is too intense in the context of single-family development adjacent the subject property. The structures are proposed to be too close to existing developments. Three-story development is inappropriate for this location. The proposed development is not compatible with the area and denial of this request is recommended.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

There is a companion General Plan Amendment (GPA-13885) with this item. The request is for M (Medium Density Residential) land use designation. The R-3 (Limited Multiple Residence) zone would be in conformance with this General Plan designation. With approval of the General Plan Amendment (GPA-13885) the proposal will be in conformance with the General Plan.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

Primary site ingress and egress is proposed from McKnight Street, a 50-foot Right-of-Way. Traffic from the proposed development entering onto Harris Avenue from McKnight Street will increase, but this should not have a significant negative impact on the neighborhood as a whole.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

Building materials are typical of apartment and condominium buildings in the Las Vegas Valley. Landscaping materials are drought-tolerant and compatible with existing development.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

The proposed three-story elevations are not in compliance with Residential Adjacency Standards along the south and west perimeter of the site. Therefore, they are not compatible with existing single-family development in the area.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The development will be subject to inspections, and appropriate measures will be taken to protect the public health, safety and general welfare.

PLANNING COMMISSION ACTION

The Planning Commission recommended fire sprinklers in all units and the applicant concurred. This condition would be appropriate to add, if approved.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 28

SENATE DISTRICT 2

NOTICES MAILED 92 by Planning Department

APPROVALS 0

PROTESTS 0